

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Bradley Kriley
Tanya A. Kriley
Debtor(s)

Bankruptcy Case No.: 19-23116-JAD
Re-Issued Per 8/13/2020 Proceeding
Chapter: 13
Docket No.: 60 - 48
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated June 29, 2020 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,679 as of August–2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 8 of PNC Bank, National Association with payment changes .
- H. Additional Terms: Claim No. 10 of Butler Area Sewage Authority and Claim No. 7 of American Water govern as specially classified; Peoples Gas Company LLC shall be paid per Order of 6/24/2020.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

- A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.
- B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.
- C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.
- D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.
- E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 23, 2020

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Bradley Kriley
Tanya A. Kriley
Debtor(s)

Case No. 19-23116-JAD
Chapter 13

District/off: 0315-2
Date Rcvd: Dec 23, 2020

User: msch
Form ID: 149

Page 1 of 3
Total Noticed: 31

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|---|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |
| ## | Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable. |

CERTIFICATE OF NOTICE

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 25, 2020:

| Recip ID | Recipient Name and Address |
|----------|--|
| db/jdb | + Bradley Kriley, Tanya A. Kriley, 549 North Elm Street, Butler, PA 16001-4410 |
| cr | + Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828 |
| 15100554 | + Brinks Home Security, PO Box 815665, Dallas, TX 75381-5665 |
| 15100556 | + Butler Income Tax Office, c/o Berkheimer Tax, 50 North Seventh St., Bangor, PA 18013-1731 |
| 15100558 | + Comenity Bank/Atlmc, PO Box 182789, Cohutta, GA 30710 |
| 15194095 | + ECMC, P.O. Box 16408, St. Paul, MN 55116-0408 |
| 15100560 | + Fin Sys of Richmond Inc., PO box 786, Richmond, IN 47375-0786 |
| 15100563 | + KML Law Group, 701 Market Street, Ste. 5000, Philadelphia, PA 19106-1541 |
| 15100564 | + Nextier Bank, 222 Market Street, Kittanning, PA 16201-1525 |
| 15110078 | + PHEAA, PO Box 8147, Harrisburg PA 17105-8147 |
| 15100569 | + PHEAA, POB 61017, Harrisburg, PA 17106-1017 |
| 15100567 | + Pennsylvania American Water, PO Box 371412, Pittsburgh, PA 15250-7412 |
| 15100568 | + Peoples Gas, PO box 644760, Pittsburgh, PA 15264-4760 |
| 15100572 | + TW Phillips, E. Cunningham St., Butler, PA 16001 |
| 15100573 | + U.S. Attorney General, U.S. Courthouse, 700 Grant Street, Suite 4000, Pittsburgh, PA 15219-1956 |

TOTAL: 15

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

| Recip ID | Notice Type: Email Address | Date/Time | Recipient Name and Address |
|----------|--|----------------------|---|
| 15124378 | + Email/Text: csc.bankruptcy@amwater.com | Dec 24 2020 03:50:00 | American Water, P.O. Box 578, Alton, IL 62002-0578 |
| 15100555 | + Email/Text: rlavorini@basapa.org | Dec 24 2020 03:47:00 | Butler Area Sewer Authority, 100 Litman Road, Butler, PA 16001-3294 |
| 15100557 | + Email/PDF: AIS.cocard.ebn@americaninfosource.com | Dec 24 2020 03:05:54 | Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281 |
| 15106778 | Email/PDF: AIS.cocard.ebn@americaninfosource.com | Dec 24 2020 03:11:20 | Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083 |
| 15100559 | + Email/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM | Dec 24 2020 03:48:00 | Comenity Bank/Levin, PO Box 182789, Columbus, OH 43218-2789 |
| 15100561 | Email/Text: sbse.cio.bnc.mail@irs.gov | Dec 24 2020 03:48:00 | Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346 |
| 15100562 | + Email/Text: bk.notifications@jpmchase.com | Dec 24 2020 03:48:00 | JPMCB Auto Finance, PO Box 901003, Fort Worth, TX 76101-2003 |
| 15119033 | Email/Text: bk.notifications@jpmchase.com | Dec 24 2020 03:48:00 | JPMorgan Chase Bank, N.A., National Bankruptcy Dept., PO Box 29505 AZ1-5757, Phoenix, AZ 85038-9505 |
| 15100565 | + Email/PDF: cbp@onemainfinancial.com | | |

District/off: 0315-2

Date Rcvd: Dec 23, 2020

User: msch

Form ID: 149

Page 2 of 3

Total Noticed: 31

| | | | |
|----------|--|----------------------|---|
| 15117620 | + Email/PDF: cbp@onemainfinancial.com | Dec 24 2020 03:05:44 | OneMain Financial, PO Box 1010, Evansville, IN 47706-1010 |
| 15100570 | Email/Text: Bankruptcy.Notices@pnc.com | Dec 24 2020 03:05:44 | OneMain Financial, PO Box 3251, Evansville, IN 47731-3251 |
| 15127376 | + Email/Text: Bankruptcy.Notices@pnc.com | Dec 24 2020 03:48:00 | PNC Mortgage, PO Box 8703, Dayton, 45401 |
| 15100571 | Email/Text: banko@preferredcredit.com | Dec 24 2020 03:47:00 | PNC Bank, National Association, Attn: Bankruptcy, 3232 Newmark Drive, Miamisburg, OH 45342-5421 |
| 15134708 | Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM | Dec 24 2020 03:47:00 | Preferred Credit, PO box 1679, Saint Cloud, MN 56302 |
| 15113984 | + Email/Text: bankruptcy@firstenergycorp.com | Dec 24 2020 03:49:00 | Verizon, by American InfoSource as agent, PO Box 4457, Houston, TX 77210-4457 |
| 15100574 | + Email/Text: bankruptcy@firstenergycorp.com | Dec 24 2020 03:49:00 | West Penn Power, 5001 NASA Blvd, Fairmont WV 26554-8248 |
| | | | West Penn Power, 800 Cabin Hill Drive, Greensburg, PA 15601-1689 |

TOTAL: 16

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

| Recip ID | Bypass Reason | Name and Address |
|----------|---------------|---|
| cr | | JPMORGAN CHASE BANK, N.A. |
| cr | | PNC BANK NATIONAL ASSOCIATION |
| cr | * | ECMC, P.O. Box 16408, St. Paul, MN 55116-0408 |
| 15100566 | ##+ | Penn Credit, 916 S. 14th St., Harrisburg, PA 17104-3425 |

TOTAL: 2 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 25, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 23, 2020 at the address(es) listed below:

| Name | Email Address |
|------|---------------|
|------|---------------|

| | |
|-------------|--|
| Amy L. Zema | on behalf of Debtor Bradley Kriley amy@zemalawoffice.com |
|-------------|--|

| | |
|-------------|---|
| Amy L. Zema | on behalf of Joint Debtor Tanya A. Kriley amy@zemalawoffice.com |
|-------------|---|

| | |
|----------------|---|
| Brian Nicholas | on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmllawgroup.com |
|----------------|---|

District/off: 0315-2

User: msch

Page 3 of 3

Date Rcvd: Dec 23, 2020

Form ID: 149

Total Noticed: 31

Karina Velter

on behalf of Creditor JPMORGAN CHASE BANK N.A. amps@manleydeas.com

Office of the United States Trustee

ustpregion03.pi.ecf@usdoj.gov

Ronda J. Winneccour

cmevf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Gas Company LLC f/k/a Peoples TWP LLC ecfpeoples@grblaw.com,
PNGbankruptcy@peoples-gas.com

TOTAL: 7